

APPEAL

**United States District Court
District of Massachusetts (Worcester)
CIVIL DOCKET FOR CASE #: 4:04-cv-40114-FDS**

LaFrenier v. Kinirey et al
Assigned to: Judge F. Dennis Saylor, IV
Cause: 42:1983 Civil Rights Act

Date Filed: 06/14/2004
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Timothy L. LaFrenier

represented by **Carol T. Vittorioso**
Vittorioso & Taylor
19 Water Street
Leominster, MA 01453
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sean J. Gallagher
74 Elm Street
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LEAD ATTORNEY
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V.

Defendant

Mary Anne Kinirey

represented by **Joseph L. Tehan, Jr.**
Kopelman & Paige, PC
101 Arch Street
12 Floor
Boston, MA 02110-1109
617-556-0007
Fax: 617-654-1735
Email: jtehan@k-plaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Morrison










represented by **Joseph L. Tehan, Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William E. May
TERMINATED: 10/20/2005

Defendant

Townsend, Town of represented by **Joseph L. Tehan, Jr.**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/14/2004	 <u>1</u>	COMPLAINT Filing fee: \$ 150. receipt number 404347, filed by Timothy L. LaFrenier.(Shattuck, Deborah) (Entered: 06/14/2004)
06/14/2004		Summons. LR 4.1, Waiver, MCF Issued as to Mary Anne Kinirey, William E. May, Daniel Morrison, Townsend, Town of. (Shattuck, Deborah) (Entered: 06/14/2004)
06/18/2004	 <u>2</u>	Notice of Reassignment. Case reassigned from Judge Gorton to Judge F. Dennis Saylor, IV upon appointment to the bench. Notice sent to counsel. (Shattuck, Deborah) (Entered: 06/21/2004)
10/29/2004	 <u>3</u>	ASSENTED TO MOTION for Extension of Time to November 26, 2004 to File Answer re <u>1</u> Complaint by Mary Anne Kinirey, Daniel Morrison, Townsend, Town of, c/s.(Hassett, Kathy) (Entered: 10/29/2004)
10/29/2004	 <u>4</u>	CERTIFICATE OF CONSULTATION by Joseph L. Tehan Jr. on behalf of Mary Anne Kinirey, Daniel Morrison, Townsend, Town of, c/s. (Hassett, Kathy) (Entered: 10/29/2004)
10/29/2004		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>3</u> Motion for Extension of Time to Answer for Mary Anne Kinirey, Daniel Morrison, and Townsend, Town of. (cc/cl) (Castles, Martin) (Entered: 10/29/2004)
12/01/2004	 <u>5</u>	ANSWER to Complaint with Jury Demand by Mary Anne Kinirey, Daniel Morrison, Townsend, Town of, c/s.(Hassett, Kathy) (Entered: 12/01/2004)
12/01/2004	 <u>6</u>	CERTIFICATION pursuant to Local Rule 16.1 by Mary Anne Kinirey, c/s.(Hassett, Kathy) (Entered: 12/01/2004)
12/01/2004	 <u>7</u>	CERTIFICATION pursuant to Local Rule 16.1 by Daniel Morrison, c/s.(Hassett, Kathy) (Entered: 12/01/2004)

12/01/2004	<u>8</u>	CERTIFICATION pursuant to Local Rule 16.1 by Townsend, Town of, c/s.(Hassett, Kathy) (Entered: 12/01/2004)
01/28/2005	<u>9</u>	NOTICE of Scheduling Conference Scheduling Conference set for 2/25/2005 11:00 AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 01/28/2005)
02/08/2005		NOTICE OF RESCHEDULING: Reset Hearings: Scheduling Conference reset for 3/7/2005 11:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 02/08/2005)
02/28/2005	<u>10</u>	JOINT STATEMENT of counsel <i>re: Scheduling - Local Rule 16.1(D)</i> . (Corbo, Gregg) Additional attachment(s) added on 3/3/2005 (Hassett, Kathy). (Entered: 02/28/2005)
03/04/2005	<u>11</u>	NOTICE of Appearance by Sean J. Gallagher on behalf of Timothy L. LaFrenier (Hassett, Kathy) (Entered: 03/04/2005)
03/07/2005		Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Scheduling Conference held on 3/7/2005. Case called. Counsel (Gallagher/Tehan) appear for scheduling order. Scheduling order to issue (Court Reporter Kusa-Ryll.) (Castles, Martin) (Entered: 03/07/2005)
03/08/2005	<u>12</u>	Judge F. Dennis Saylor IV: Electronic ORDER entered. SCHEDULING ORDER: Final Pretrial Conference set for 3/27/2006 03:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. Status Conference set for 10/20/2005 03:15 PM in Courtroom 2 before Judge F. Dennis Saylor IV. Amended Pleadings due by 3/21/2005. Discovery due by 10/14/2005. Joinder of Parties due by 3/21/2005. Motions due by 2/3/2006.(Castles, Martin) (Entered: 03/08/2005)
03/21/2005	<u>13</u>	MOTION to Amend <u>1</u> Complaint by Timothy L. LaFrenier, c/s. (Attachments: # <u>1</u> Amended Complaint)(Hassett, Kathy) (Entered: 03/21/2005)
04/04/2005	<u>14</u>	Opposition re <u>13</u> MOTION to Amend <u>1</u> Complaint filed by William E. May. (Hassett, Kathy) (Entered: 04/06/2005)
04/06/2005		Notice of correction to docket made by Court staff. Correction: Document #14 deleted because document improperly e-filed; corrected by court. (Hassett, Kathy) (Entered: 04/06/2005)
04/07/2005		Notice of correction to docket made by Court staff. Correction: document #15 deleted; duplicate to document #14. (Hassett, Kathy) (Entered: 04/07/2005)
07/21/2005	<u>15</u>	Judge F. Dennis Saylor IV: ORDER entered denying without prejudice as moot <u>13</u> Motion to Amend. (Castles, Martin) (Entered: 07/21/2005)
10/20/2005		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Status Conference held on 10/20/2005. Case called, Counsel appear for status conference, Parties inform court of status of discovery, Dft requests to 11/30/05 to disclose expert. Court grants request. Court

		extends completion of expert deposition date to 12/31/05, Parties agree to dismiss dft May. Court dismisses dft May, Parties to try to work out any possible dismissals by 12/31/05 before S/J motion filings, (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 10/20/2005)
10/20/2005	<u>16</u>	Judge F. Dennis Saylor IV: ORDER entered dismissing William May without prejudice. (Castles, Martin) (Entered: 10/20/2005)
01/26/2006	<u>17</u>	CERTIFICATE OF CONSULTATION <i>with Local Rule 7.1(A)(2)</i> by Jackie A. Cowin on behalf of Mary Anne Kinirey, Daniel Morrison, Townsend, Town of. (Cowin, Jackie) (Entered: 01/26/2006)
01/26/2006	<u>18</u>	MOTION for Summary Judgment by Mary Anne Kinirey, Daniel Morrison, Townsend, Town of.(Tehan, Joseph) (Entered: 01/26/2006)
01/26/2006	<u>19</u>	MEMORANDUM in Support re <u>18</u> MOTION for Summary Judgment filed by Mary Anne Kinirey, Daniel Morrison, Townsend, Town of. (Tehan, Joseph) (Entered: 01/26/2006)
01/26/2006	<u>20</u>	STATEMENT of facts <i>of record as to which there is no genuine issue to be tried.</i> (Attachments: # <u>1</u> Exhibit)(Tehan, Joseph) Additional attachment(s) added on 1/27/2006 (Hassett, Kathy). (Entered: 01/26/2006)
02/09/2006	<u>21</u>	MOTION for Extension of Time to February 15, 2006 to File by Timothy L. LaFrenier, c/s. (Attachments: # <u>1</u> Affidavit)(Hassett, Kathy) (Entered: 02/09/2006)
02/09/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>21</u> Motion for Extension of Time to File. (Castles, Martin) (Entered: 02/09/2006)
02/15/2006	<u>22</u>	Opposition re <u>18</u> MOTION for Summary Judgment filed by Timothy L. LaFrenier. (Hassett, Kathy) (Entered: 02/15/2006)
02/15/2006	<u>23</u>	MEMORANDUM in Opposition re <u>18</u> MOTION for Summary Judgment filed by Timothy L. LaFrenier. (Hassett, Kathy) (Entered: 02/15/2006)
02/15/2006	<u>24</u>	STATEMENT of facts re <u>18</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Exhibits A, B, D, E (Exhibit C intentionally omitted))(Hassett, Kathy) (Entered: 02/15/2006)
02/17/2006	<u>25</u>	NOTICE of Change of Address by Jackie A. Cowin (Cowin, Jackie) (Entered: 02/17/2006)
03/21/2006		Judge F. Dennis Saylor IV: Electronic ORDER entered. ORDER Cancelling Deadline. Final pre-trial conference is hereby cancelled. Oral arguments on motion for summary judgment will be held instead on 3/27/06.(Castles, Martin) (Entered: 03/21/2006)
03/21/2006		NOTICE OF HEARING: Set hearing as to <u>18</u> MOTION for Summary Judgment. Motion Hearing set for Monday 3/27/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 03/21/2006)

03/27/2006	●	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Motion Hearing held on 3/27/2006 re <u>18</u> MOTION for Summary Judgment filed by Mary Anne Kinirey,, Daniel Morrison,, Townsend, Town of. Case called, Counsel appear for motion hearing, Court hears arguments of counsel, Court takes motion under advisement, (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 03/27/2006)
03/27/2006	●	Judge F. Dennis Saylor IV: Electronic ORDER entered taking under advisement after hearing on 3/27/06 <u>18</u> Motion for Summary Judgment (Castles, Martin) (Entered: 12/22/2006)
03/20/2007	● <u>26</u>	Judge F. Dennis Saylor IV: MEMORANDUM AND ORDER entered granting <u>18</u> Motion for Summary Judgment. (Castles, Martin) (Entered: 03/20/2007)
03/21/2007	● <u>27</u>	Judge F. Dennis Saylor IV: ORDER entered. JUDGMENT in favor of Defendants against Plaintiff.(Castles, Martin) (Entered: 03/21/2007)
04/20/2007	● <u>28</u>	NOTICE OF APPEAL to the First Circuit as to <u>27</u> Judgment by Timothy L. LaFrenier. Filing fee \$ 455, receipt number 1491717. Appeal Record due by 5/10/2007. (Gallagher, Sean) Additional attachment(s) added on 4/23/2007 (Hassett, Kathy). Modified on 4/23/2007 (Hassett, Kathy). (Entered: 04/20/2007)
04/23/2007	●	Notice of correction to docket made by Court staff. Correction: document #28 corrected because: original document not signed and incorrect appeals court chosen. (Hassett, Kathy) (Entered: 04/23/2007)